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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES BURTON MCKINLEY,

Defendant.

No. 3:24-cr-00075-SLG-MMS

COUNT 1:

POSSESSION OF CONTROLLED
SUBSTANCES WITH INTENT TO
DISTRIBUTE

Vio. of 21 U.S.C. § 841(a)(1), (b)(1)(B)

COUNT 2:

POSSESSION OF MACHINEGUN
DURING DRUG TRAFFICKING CRIME

Vio. of 18 U.S.C. § 924(c)(1)(A)(i),
(B)(ii)

COUNT 3:

FELON IN POSSESSION OF FIREARMS
AND AMMUNITION

Vio. of 18 U.S.C. §§ 922(g)(1) and
924(e)

ENHANCED STATUTORY PENALTIES

ALLEGATIONS:

21 U.S.C. § 841(b)(1)(B)

CRIMINAL FORFEITURE

ALLEGATION 1:

21 U.S.C. § 853(a)(1) and (2), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(a)

CRIMINAL FORFEITURE

ALLEGATION 2:

18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(a)

INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about June 9, 2024, within the District of Alaska, the defendant, JAMES BURTON MCKINLEY, knowingly and intentionally possessed a controlled substance with intent to distribute, to wit: 40 grams or more of mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl) -4-piperidinyl] propenamide.

All of which is in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B).

COUNT 2

On or about June 9, 2024, within the District of Alaska, the defendant, JAMES BURTON MCKINLEY, knowingly possessed a machinegun in furtherance of the drug trafficking crime charged in Count 1.

All of which is in violation of 18 U.S.C. § 924(c)(1)(A)(i), (B)(ii).

COUNT 3

On or about June 9, 2024, within the District of Alaska, the defendant, JAMES BURTON MCKINLEY, knowing that he had previously been convicted of a crime

punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, firearms and ammunition, to wit: an automatic pistol with no serial number and associated ammunition.

Prior Convictions

<u>Conviction Date</u>	<u>Offense</u>	<u>Court</u>	<u>Case Number</u>
June 9, 2017	Misconduct Involving a Controlled Substance in the Third Degree	Superior Court for the State of Alaska	1KE-17-00031CR
March 29, 2012	Misconduct Involving a Controlled Substance in the Third Degree	Superior Court for the State of Alaska	1KE-11-00947CR
March 29, 2012	Misconduct Involving a Controlled Substance in the Third Degree	Superior Court for the State of Alaska	1KE-10-00844CR

All of which is in violation of 18 U.S.C. §§ 922(g)(1) and 924(e).

ENHANCED STATUTORY PENALTIES ALLEGATIONS

Before the defendant, JAMES BURTON MCKINLEY, committed the offense charged in Count 1, he had a final conviction for a serious drug felony, misconduct involving a controlled substance in the third degree in violation of Alaska Stat. § 11.71.040(a)(11)(A), for which he served a term of imprisonment of more than 12 months and for which his release from such term of imprisonment was within 15 years of the commencement of the offense charged in Count 1.

Before the defendant, JAMES BURTON MCKINLEY, committed the offense charged in Count 3, he had three previous convictions for serious drug offenses, misconduct involving a controlled substance in the third degree in violation of Alaska Stat.

§ 11.71.040(a)(11)(A) and Alaska Stat. § 11.71.030(a)(1), which offenses were committed on occasions different from one another.

CRIMINAL FORFEITURE ALLEGATION 1

The allegations contained in Count 1 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 21 U.S.C. § 853(a)(1) and (2) and 28 U.S.C. § 2461(c).

Upon conviction for the offenses in violation of 21 U.S.C. § 841 set forth in Count 1 of this Indictment, the defendant, JAMES BURTON MCKINLEY, shall forfeit to the United States any property constituting or derived from, and any proceeds obtained, directly or indirectly, as the result of such offenses, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the offenses, including but not limited to:

1. An automatic pistol with no serial number and associated ammunition;
2. Approximately \$7710 in U.S. currency; and
3. Approximately \$27,005 in U.S. currency.

All pursuant to 21 U.S.C. § 853(a)(1) and (2), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. Rule 32.2(a) of the Federal Rules of Criminal Procedure.

CRIMINAL FORFEITURE ALLEGATION 2

The allegations contained in Counts 2-3 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Upon conviction for the offenses in violation of 18 U.S.C. §§ 922(g)(1) and 924(c) set forth in Counts 2-3 of this Indictment, the defendant, JAMES BURTON MCKINLEY, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) any firearms and ammunition used in knowing violation of the offense, including but not limited to:

1. An automatic pistol with no serial number and associated ammunition.

All pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(a).

A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ James Klugman
JAMES KLUGMAN
Assistant U.S. Attorney
United States of America

s/ S. Lane Tucker
S. LANE TUCKER
United States Attorney
United States of America

DATE: July 16, 2024